

(d) The Administrator of the Panama Canal Commission may extend the 30-working-day period specified in paragraph (a) of this section for good cause shown. In that case, the Agency Records Officer will notify you in writing of the reason for the delay and will tell you when you can expect a decision on your appeal.

(e) If you choose to file a concise statement of your reasons for disagreeing with the agency's refusal to amend your record:

(1) The system manager shall cause a notation to be made on the disputed portion of the record;

(2) Copies of your statement of disagreement will be provided to anyone to whom the disputed record is subsequently disclosed and (to the extent that an accounting of disclosures has been maintained) to any previous recipients of the disputed record; and

(3) The Commission may, at its discretion, make a brief summary of its reasons for not amending the record and may provide this summary, along with your statement of disagreement, to previous or subsequent recipients of the disputed record.

[44 FR 75312, Dec. 19, 1979, as amended at 46 FR 48659, Oct. 2, 1981]

§ 10.16 Rights of parents and legal guardians.

The parent or legal guardian of a minor or the legal guardian of an individual who has been declared incompetent may request access to, or amendment of, a record on behalf of that individual. To do so, a parent will be required to show a certified or authenticated copy of the minor's birth certificate, and a legal guardian will be required to show a certified or authenticated copy of the court order establishing guardianship. In some cases, the parent or legal guardian of a minor may be asked to provide evidence that the minor is in the parent's or guardian's custody, that the minor has consented to disclosure of the information to the parent or guardian, or that the parent or guardian has authority to act on the minor's behalf.

§ 10.17 Conditions under which the Commission may disclose an individual's record to other persons.

(a) The Commission shall not disclose information about an individual that is contained in one of its systems of records to any person or to another agency, except by written request of, or with the prior written consent of, the individual who is the subject of the record, unless the disclosure is authorized by paragraph (b) of this section or is required by other applicable law.

(b) Under 5 U.S.C. 552a, the Commission may disclose information contained in its systems of records, without the consent of the individual who is the subject of the record, if the disclosure of the information, or record, would be:

(1) To the parent or legal guardian of any minor, or to the legal guardian of any individual who has been declared to be incompetent by a court of competent jurisdiction, where such person is acting on the individual's behalf (5 U.S.C. 552a(h));

(2) To those officers and employees of the Commission who have a need for the information in the performance of their duties (5 U.S.C. 552a(b)(1));

(3) Required under 5 U.S.C. 552, the Freedom of Information Act (5 U.S.C. 552a(b)(2));

(4) For a routine use as defined in 5 U.S.C. 552a(a)(7) and as described for all systems of records in Appendix A of this part and for specific systems of records in the Notice of Systems of Records published in the FEDERAL REGISTER (5 U.S.C. 552a(b)(3));

(5) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity under the provisions of Title 13, U.S. Code (5 U.S.C. 552a(b)(4));

(6) To a recipient who has provided the Commission with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable (5 U.S.C. 552a(b)(5));

(7) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for

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evaluation by the Administrator of General Services or that official's designee to determine whether the record has such value (5 U.S.C. 552a(b)(6));

(8) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the Commission specifying the particular portion desired and the law enforcement activity for which the record is sought (5 U.S.C. 552a(b)(7));

(9) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual, if upon such disclosure notification is transmitted to the last known address of such individual (5 U.S.C. 552a(b)(8));

(10) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee (5 U.S.C. 552a(b)(9));

(11) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office (5 U.S.C. 552a(b)(10)); or

(12) Pursuant to the order of a court of competent jurisdiction (5 U.S.C. 552a(b)(11)).

§ 10.18 Accounting of certain disclosures.

(a) The system manager or his designee shall keep an accurate accounting of each disclosure of personal information about an individual from a system of records under his control which is made in accordance with § 10.17(b) of this part, except if that disclosure is to officers and employees of the Commission (§ 10.17(b)(2)) or is required under the Freedom of Information Act (§ 10.17(b)(3)).

(b) This accounting of disclosure shall include:

(1) The date, nature, and purpose of each such disclosure; and

(2) The name and address of the person or agency to whom the disclosure is made.

(c) The system manager shall retain this accounting of disclosure for at

least five years after the disclosure or for the life of the record, whichever is longer.

(d) The Commission shall make the accounting of disclosure available to the individual named in the record, at that individual's request, except when the disclosure was made under § 10.17(b)(8) of this part or when the record in question is exempt from the access provisions of the Privacy Act under §§ 10.21 and 10.22 of this part. An individual may request access to the accounting of disclosure by the procedure for requesting access to records that is explained in §§ 10.5 through 10.10 of this part.

§ 10.19 Records about deceased persons.

A record about a deceased person is not covered by the rules in this part, except to the extent that the deceased person's record contains information about a living individual. In disclosing information about a deceased person, the Commission will make every effort to avoid any infringement of the privacy rights of a living individual.

§ 10.20 Penalties for noncompliance with the Act.

Subsections (g) and (i) of 5 U.S.C. 552a provide civil remedies and criminal penalties for noncompliance with the provisions of the Privacy Act of 1974 (Pub. L. 93-579) or regulations implementing that Act. In addition, adverse or disciplinary action may be taken against any officer or employee who willfully or negligently fails to comply with the requirements of the Privacy Act or the regulations in this part.

§ 10.21 General exemptions.

(a) The following systems of records are eligible for exemption under 5 U.S.C. 552a(j)(2) because each system is maintained by a component of the agency, or subcomponent, which performs as its principal function the enforcement of criminal laws, and which contains investigatory material compiled for criminal law enforcement purposes. Accordingly, these systems are exempt from the following sections of 552a of 5 U.S.C.: (c) (3) and (4); (d); (e)